

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85769283
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (001)(current)	
INTERNATIONAL CLASS	001
DESCRIPTION	
Biochemicals, chemicals and chemical products for laboratory, scientific and medical research, biological processing and the production of pharmaceuticals, namely, buffers for cell cultures and chromatography, cell growth media and sera, proteins and amino acids, media components, namely, amino acids, sera, chemical and biochemical additives, nutritional media for maintenance and growth of cells in culture, namely, classical, sera-free, chemically-defined and stem-cell media, growth media, reagents, buffers for cell cultures and chromatography, and distilled water; deionized water for laboratory, scientific and medical research; biological reagents to maintain embryonic stem cells and/or embryos in in-vitro culture for in-vitro scientific and medical research use; cell culture reagents for scientific research, medical research, and the production of pharmaceuticals; purified water for scientific research, medical research, and the production of pharmaceuticals, namely, water for injection; and eukaryotic cell nutrition media and sera	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1981
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1981
GOODS AND/OR SERVICES SECTION (001)(proposed)	
INTERNATIONAL CLASS	001
DESCRIPTION	
Biochemicals, chemicals and chemical products for laboratory, scientific and medical research, biological processing and the production of pharmaceuticals, namely, buffers for cell cultures and chromatography, cell growth media and sera, proteins and amino acids, media components, namely, amino acids, sera, chemical and biochemical additives, nutritional media for maintenance and growth of cells in culture, namely, classical, sera-free, chemically-defined and stem-cell media, growth media, reagents, buffers for cell cultures and chromatography, and distilled water; deionized water for laboratory, scientific and medical research; biological reagents to maintain embryonic stem cells and/or embryos in in-vitro culture for in-vitro scientific and medical research use; cell culture reagents for	

scientific research, medical research, and the production of pharmaceuticals; purified water for scientific research, medical research, and the production of pharmaceuticals, namely, water for injection; and eukaryotic cell nutrition media and sera

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1981
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1981

GOODS AND/OR SERVICES SECTION (009)(current)

INTERNATIONAL CLASS	009
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DESCRIPTION

Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination; laboratory equipment, namely, bags of plastic for use in holding biological material and related reagents; liners of plastic for tanks used in holding biological material and related reagents

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2003
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2003

GOODS AND/OR SERVICES SECTION (009)(proposed)

INTERNATIONAL CLASS	009
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TRACKED TEXT DESCRIPTION

~~Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use;~~ Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps all specifically adapted for use with bioreactors, sold separately and in combination, for use in mixing animal cells

suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; ~~laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination;~~ laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; ~~laboratory equipment, namely, bags of plastic for use in holding biological material and related reagents;~~ laboratory, biological pilot plant and biological production equipment, namely, bags of plastic for use in holding biological material and related reagents for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; ~~liners of plastic for tanks used in holding biological material and related reagents;~~ laboratory equipment, namely, liners of plastic for tanks used in holding biological material and related reagents

FINAL DESCRIPTION

Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps all specifically adapted for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, biological pilot plant and biological production equipment, namely, bags of plastic for use in holding biological material and related reagents for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory equipment, namely, liners of plastic for tanks used in holding biological material and related reagents

FILING BASIS

Section 1(a)

FIRST USE ANYWHERE DATE

At least as early as 00/00/2003

FIRST USE IN COMMERCE DATE

At least as early as 00/00/2003

SIGNATURE SECTION

DECLARATION SIGNATURE

/Linda Monge Callaghan/

SIGNATORY'S NAME

Linda Monge Callaghan

SIGNATORY'S POSITION

Attorney for Applicant, Michigan Bar Member

SIGNATORY'S PHONE NUMBER	248-594-0600
DATE SIGNED	01/09/2014
RESPONSE SIGNATURE	/Linda Monge Callaghan/
SIGNATORY'S NAME	Linda Monge Callaghan
SIGNATORY'S POSITION	Attorney for Applicant, Michigan Bar Member
SIGNATORY'S PHONE NUMBER	248-594-0600
DATE SIGNED	01/09/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jan 09 15:05:45 EST 2014
TEAS STAMP	USPTO/RFR-12.199.187.30-2 0140109150545221703-85769 283-500994f54646ee077f3d1 90e697e82cffb92e389d95421 671b9f6bb87a804fdf-N/A-N/ A-20140109150254546987

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85769283** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 001 for Biochemicals, chemicals and chemical products for laboratory, scientific and medical research, biological processing and the production of pharmaceuticals, namely, buffers for cell cultures and chromatography, cell growth media and sera, proteins and amino acids, media components, namely, amino acids, sera, chemical and biochemical additives, nutritional media for maintenance and growth of cells in culture, namely, classical, sera-free, chemically-defined and stem-cell media, growth media, reagents, buffers for cell cultures and chromatography, and distilled water; deionized water for laboratory, scientific and medical research; biological reagents to maintain embryonic stem cells and/or embryos in in-vitro culture for in-vitro scientific and medical research use; cell culture reagents for scientific research, medical research, and the production of pharmaceuticals; purified water for scientific research, medical research, and the production of pharmaceuticals, namely, water for injection; and

eukaryotic cell nutrition media and sera

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1981 and first used in commerce at least as early as 00/00/1981, and is now in use in such commerce.

Proposed: Class 001 for Biochemicals, chemicals and chemical products for laboratory, scientific and medical research, biological processing and the production of pharmaceuticals, namely, buffers for cell cultures and chromatography, cell growth media and sera, proteins and amino acids, media components, namely, amino acids, sera, chemical and biochemical additives, nutritional media for maintenance and growth of cells in culture, namely, classical, sera-free, chemically-defined and stem-cell media, growth media, reagents, buffers for cell cultures and chromatography, and distilled water; deionized water for laboratory, scientific and medical research; biological reagents to maintain embryonic stem cells and/or embryos in in-vitro culture for in-vitro scientific and medical research use; cell culture reagents for scientific research, medical research, and the production of pharmaceuticals; purified water for scientific research, medical research, and the production of pharmaceuticals, namely, water for injection; and eukaryotic cell nutrition media and sera

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1981 and first used in commerce at least as early as 00/00/1981, and is now in use in such commerce.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination; laboratory equipment, namely, bags of plastic for use in holding biological material and related reagents; liners of plastic for tanks used in holding biological material and related reagents

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2003 and first used in commerce at least as early as 00/00/2003, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors~~

~~and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps all specifically adapted for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags, bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination; laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory equipment, namely, bags of plastic for use in holding biological material and related reagents; laboratory, biological pilot plant and biological production equipment, namely, bags of plastic for use in holding biological material and related reagents for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; liners of plastic for tanks used in holding biological material and related reagents; laboratory equipment, namely, liners of plastic for tanks used in holding biological material and related reagents~~

Class 009 for Laboratory, pilot plant and production equipment, namely bioreactors, electronic controllers for use with bioreactors and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps all specifically adapted for use with bioreactors, sold separately and in combination, for use in mixing animal cells suspended in cell culture media and for controlling the temperature, pH and other conditions of the suspension, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, pilot plant and production equipment, namely, mixers, electronic controllers for use with mixers and bag assemblies in the nature of fluid handling bags and bag manifold systems comprising a plurality of bags connected together with associated tubing, connectors and fittings, filters, ports, liners, chambers, capsules, filter holders, sensors, mixing impellers, tank dispensers and pumps for use with mixers, sold separately and in combination, for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory, biological pilot plant and biological production equipment, namely, bags of plastic for use in holding biological material and related reagents for the purpose of producing biological materials for medical therapeutic or clinical diagnostic use; laboratory equipment, namely, liners of plastic for tanks used in holding biological material and related reagents

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2003 and first used in commerce at least as early as 00/00/2003, and is now in use in

such commerce.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Linda Monge Callaghan/ Date: 01/09/2014

Signatory's Name: Linda Monge Callaghan

Signatory's Position: Attorney for Applicant, Michigan Bar Member

Signatory's Phone Number: 248-594-0600

Request for Reconsideration Signature

Signature: /Linda Monge Callaghan/ Date: 01/09/2014

Signatory's Name: Linda Monge Callaghan

Signatory's Position: Attorney for Applicant, Michigan Bar Member

Signatory's Phone Number: 248-594-0600

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85769283

Internet Transmission Date: Thu Jan 09 15:05:45 EST 2014

TEAS Stamp: USPTO/RFR-12.199.187.30-2014010915054522

1703-85769283-500994f54646ee077f3d190e69

7e82cffb92e389d95421671b9f6bb87a804fdf-N

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